

Frederick County Community Development Division Staff Report

Frederick County Water and Sewerage Plan Amendments

Planning Commission Review – May 13, 2015

Spring 2015 Cycle Amendment Requests

- WS 15-01 City of Frederick
- WS 15-02 Verdant Development Group/Arthur & Shirley Graham
- WS 15-03 Carroll Manor Fire Department/Hogan Realty Capital, LLC
- WS 15-04 Christopher's Crossing, LLC/Bartgis, Lasick, Rallas
- WS 15-05 Division of Community Development/Shoemaker

ISSUE

The Planning Commission is requested to review the amendment requests for a finding of consistency with the County Comprehensive Plan or a municipal comprehensive plan.

BACKGROUND

The purpose of the Planning Commission's review is to determine whether each amendment request is consistent with the County Comprehensive Plan. The Land Use Article of the Annotated Code of Maryland defines consistency with the comprehensive plan as addressing the location, character, and extent of the request. A finding with regards to consistency may reference the comprehensive plan map and the text document, specifically the goals and policies. For properties located within a municipality the municipal comprehensive plan and municipal land use plan designation is referenced.

A finding of consistency does not reference whether a case meets the specific criteria, described in the Water and Sewerage Plan, for the requested classification. That determination is made by the County Council in their review.

If the Planning Commission finds a request to be inconsistent with the comprehensive plan then the request is not forwarded to the County Council.

RECOMMENDATION

Staff recommendations are noted in the individual case descriptions.

IV. COUNTY WATER AND SEWERAGE PLAN CLASSIFICATION SYSTEM

A. General

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated; rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

B.. Water and Sewerage Plan Classifications:

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev.". A "Dev." designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g. 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

NPS – No Planned Service:

A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the current County Comprehensive Plan.

PS – Planned Service:

A classification assigned during the Comprehensive Planning Process to an area shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within the Community Growth boundary of a community to be served by public water and sewer in the adopted County Comprehensive Plan, within the 11-20 year time period. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.

S-5/W-5 – Mid-Range Plan Phase:

A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to, but may, connect to the community system. Properties requesting this classification shall meet the following criteria:

- a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
- b. Have zoning other than Agricultural or Resource Conservation.
- c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.
- d. Be located within a Planned Service Area as shown on the Frederick County Water and Sewerage Plan map.
- e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

This classification may be assigned through the piecemeal application process to property:

- 1) Annexed into a municipal corporation; or
- 2) Granted a Planned Unit Development (PUD) or Mixed Use Development (MXD) floating zone classification; or
- 3) Zoned Agricultural, if all the criteria set forth above and in Section II (E)(8) are satisfied; or
- 4) To provide public water and/or sewer service to Public Service Facilities, if applicable criteria in Section II(E)(8) are satisfied.

S-4/W-4 – Concept Evaluation Phase:

A classification assigned through the piecemeal application process to properties having an S-5/W-5 classification, and designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the most recently adopted County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public

system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. The criteria required for the S-5/W-5 classification have been met.
- b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5)(E)). All concept plans shall distinguish between County planned and developer provided facilities.
- c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner will either wait for public improvements to be programmed or propose how such service can be provided by the developer/applicant.
- d. After a S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

S-3/W-3 – Preliminary Design Phase:

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their “3” classification and revert to the “4” classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. Criteria required for the S-4/W-4 classification have been complied with.
- b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the *Adequate Public Facilities Ordinance* (APFO) studies.
- c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.
- d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
- e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining

wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.

- f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.
- g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This "service to the site" requirement is considered "met" if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.
- h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

S-2/W-2 – Engineering Phase:

This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

- a. All criteria required for the S-3/W-3 classification have been complied with.
- b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.
- c. Location of facilities, i.e. tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.
- d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.¹

S-1/W-1 – Existing Service:

A classification assigned to properties where publicly-owned community sewer or water systems are existing and are connected to and serving a structure on the property. Properties are assigned this classification by County staff to reflect projects recently

¹ See Sec. 1-16-106 of the County Code for additional requirements.

completed or structures connected to the public water or sewer system. The County Water and Sewerage Plan map will be revised to reflect this status at regular updates.

Multi-Use Water System:

A classification assigned during the piecemeal application process to a single parcel or lot utilizing a water supply system having the capacity to supply more than 5,000 gallons of water per day and serves a number of individuals.

Multi-Use Sewerage System:

A classification assigned during the piecemeal application process to a single parcel or lot having a maximum discharge or output capacity in excess of 5,000 gallons per day.

WATER & SEWERAGE PLAN AMENDMENTS
Spring 2015 Cycle

STAFF REPORT

Case # WS-15-01

APPLICANT: City of Frederick

REQUEST: To reclassify 3.02 acres from Planned Service (PS) to W-3/Dev., S-3/Dev.

LOCATION: East side of Walter Martz Road, south of Spring Run Drive, north of Christopher's Crossing within the City of Frederick
(Tax Map 57, Parcel 18. Property ID#11-0466694)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential on the City of Frederick Comprehensive Plan.

Zoning — Institutional (City zoning)

Development Status — A plat, prepared by the City of Frederick, is currently under review to subdivide a 3.02-acre lot ("Lot 1, Sanner Farm") from the 62-acre "Sanner" property, which was annexed into the City in 1997 and now owned by the City of Frederick. The 3.02-acre lot will be conveyed to Frederick County for construction of a future fire/rescue facility per a 2010 Memorandum of Understanding (MOU) between the Frederick County Board of Commissioners and the City of Frederick.

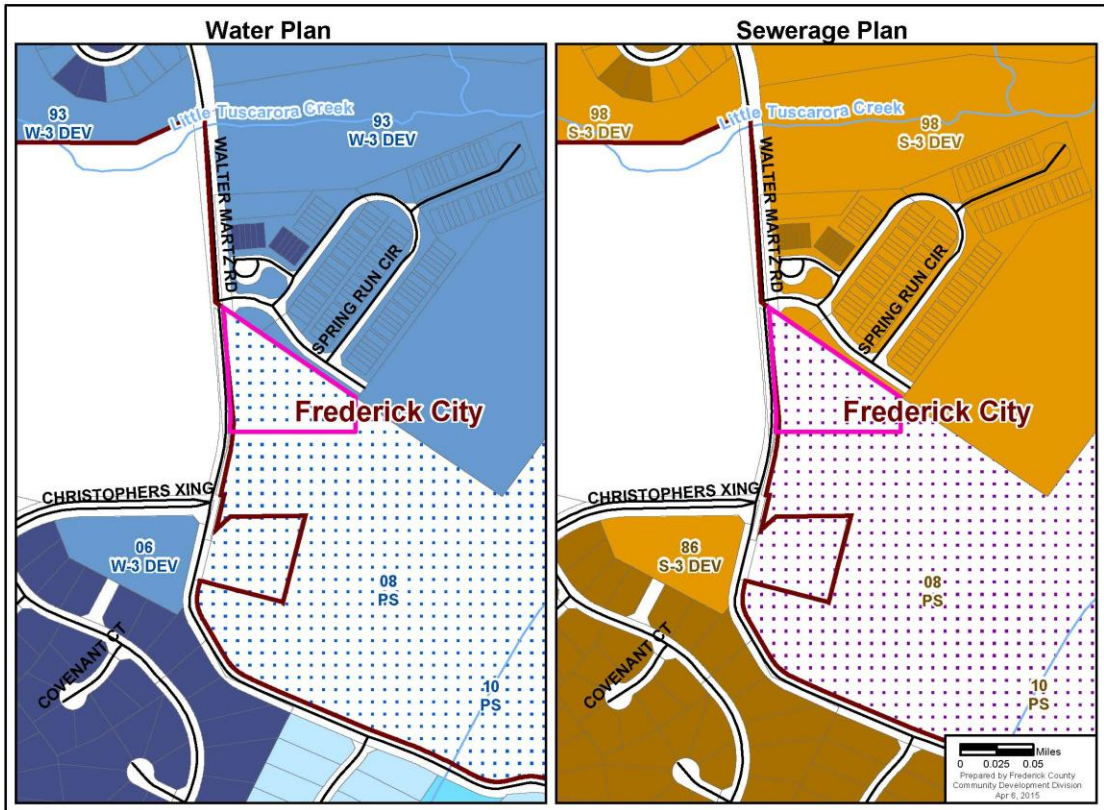
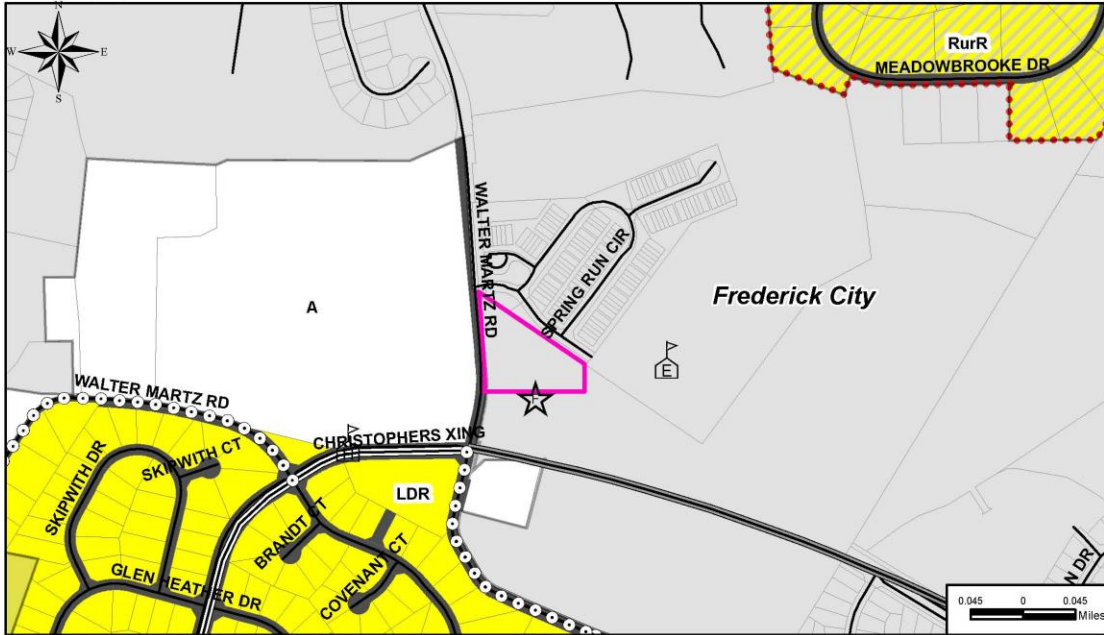
Water & Sewerage Plan Status — An existing 16-inch City water line, present in Walter Martz Road, adjacent to Lot 1, will be utilized for the future fire/rescue facility. The City Engineering Department indicates that there is sufficient potable water supply for allocation to this project, consistent with the Potomac River Water Service Agreement (PRWSA). Public sewer service to Lot 1 will be provided via a connection to the existing 8-inch County sewer line located at Spring Run Drive and Spring Run Circle in the Tuscarora Creek subdivision, adjacent to Lot 1. This area of the City is provided sewer service by the County's Division of Utilities and Solid Waste Management (DUSWM), as memorialized in the 2014 Central Frederick Sewer Service Area Agreement (CFSSAA) between the City and the County.

STAFF RECOMMENDATION:

The subject property is located within a municipality, a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for Case WS-15-01.

WS 15-01

Comprehensive Plan



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2015 Cycle

STAFF REPORT

Case # WS-15-02

APPLICANT: Verdant Development Group/Arthur & Shirley Graham

REQUEST: To reclassify 25 acres from S-5/Dev. to S-3/Dev.

LOCATION: South side of Biggs Ford Road, east of Kenneth Drive within the Town of Walkersville.
(Tax Map 850, Parcel 768. Property ID#26-496675)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential on the Town of Walkersville Comprehensive Plan.

Zoning — R-1 Residential (Town zoning)

Development Status — The Walkersville Planning Commission granted conditional approval to a preliminary subdivision plan (“Parkside”) on February 24, 2015 for development of 25 single-family lots on the subject property.

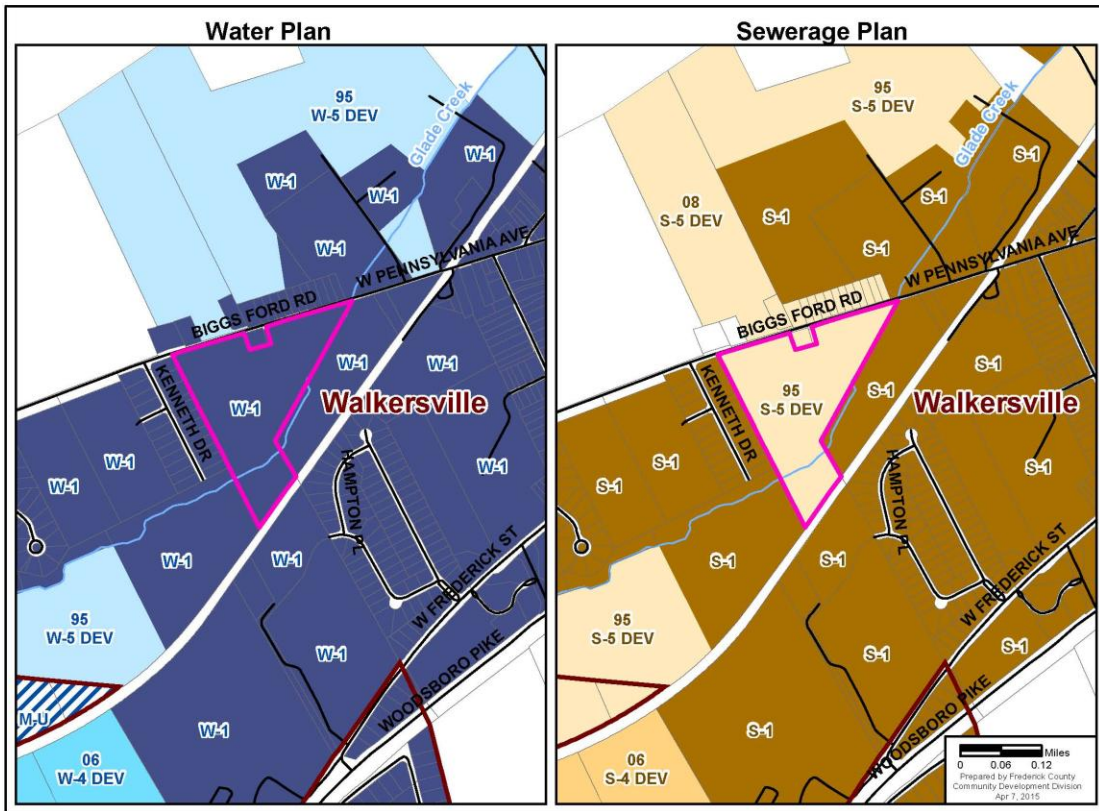
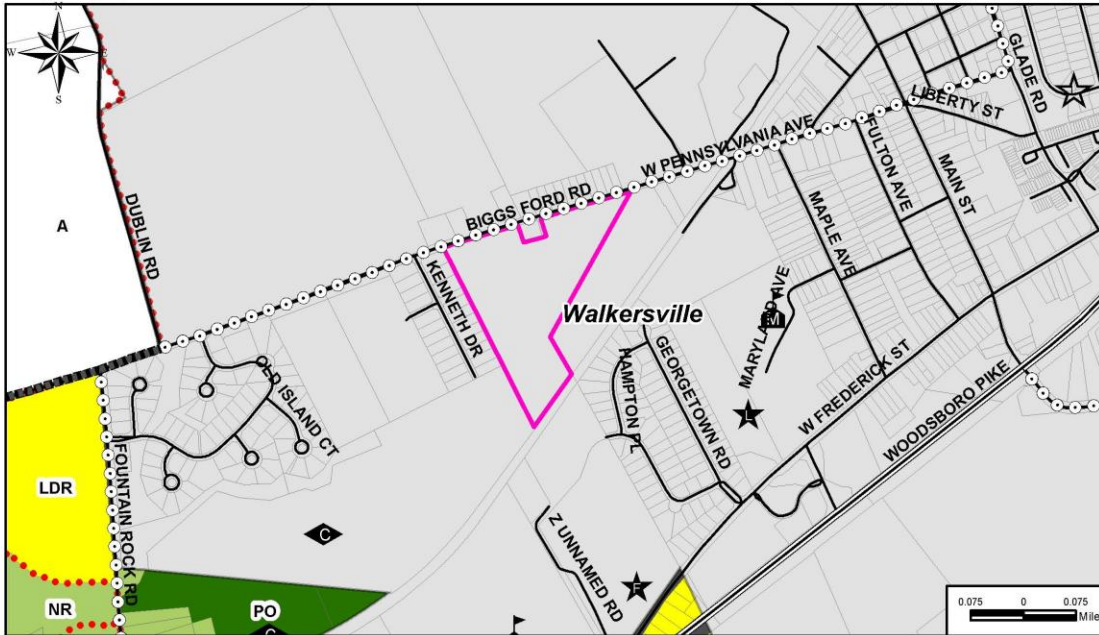
Water & Sewerage Plan Status — An existing 27-inch County sewer line is present on the southern portion of the property. A 12-inch sewer line is also present within Kenneth Drive to the west of the subject property and will be extended to serve the subject property.

STAFF RECOMMENDATION:

The subject property is located within a municipality, a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of Walkersville Comprehensive Plan for Case WS-15-02.

WS 15-02

Comprehensive Plan



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2015 Cycle

STAFF REPORT

Case # WS-15-03

APPLICANT: Hogan Realty Capital, LLC/Carroll Manor Fire Department

REQUEST: To reclassify 4.9 acres from W-4/Dev., S-4/Dev. to W-3/Dev., S-3/Dev.

LOCATION: Tuscarora Street, west of Mountville Road in Adamstown
(Tax Map 103, Parcel 822, Property ID#01-003917)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential within the Adamstown Community Growth Area.

Zoning — Planned Unit Development (PUD)

Development Status — The subject property was rezoned from R-1 Residential to PUD in 2006, with a PUD amendment approved in 2014 that reduced the number of dwelling units from 50 to 40. A preliminary subdivision plan for development of 40 single-family detached units was granted conditional approval by the Planning Commission on February 11, 2015, with accompanying APFO approval for the project.

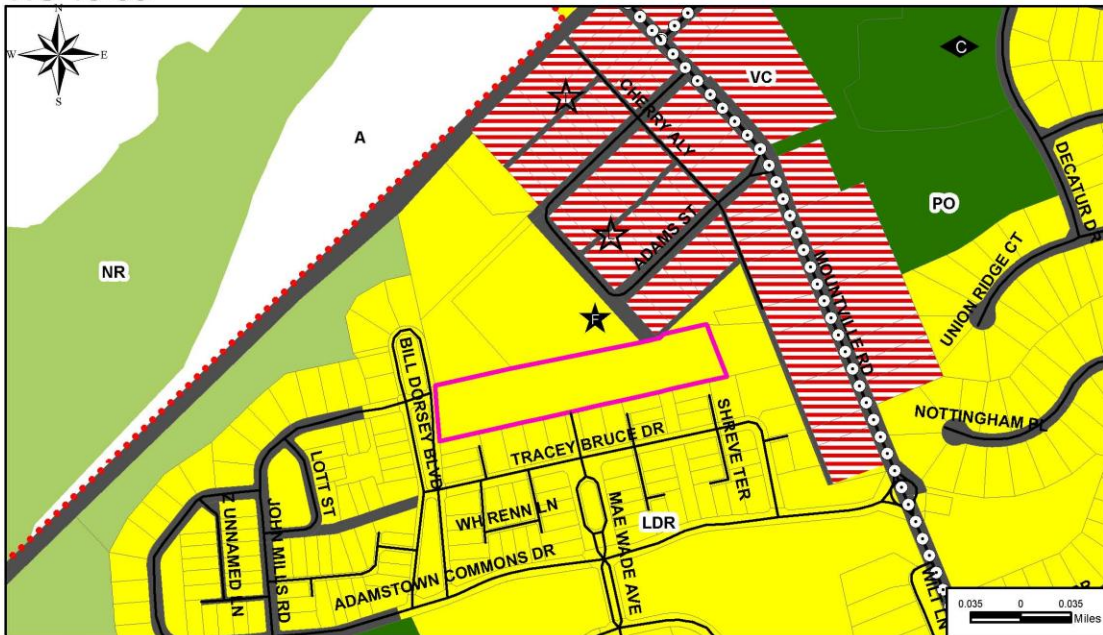
Water & Sewerage Plan Status — Existing 8-inch water and sewer lines that serve the adjacent Adamstown Commons subdivision and the existing village of Adamstown abut the subject property. These service lines will be extended to provide public water and sewer service to the project.

STAFF RECOMMENDATION:

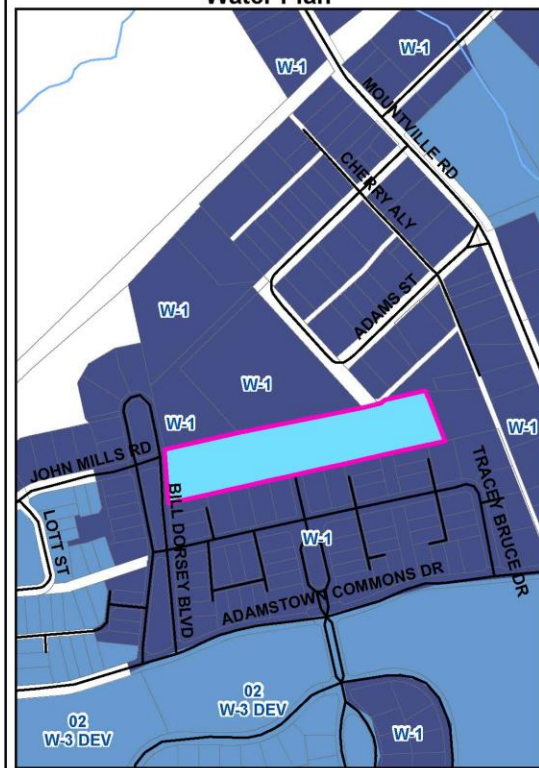
The subject property is located within a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Comprehensive Plan for Case WS 15-03.

WS 15-03

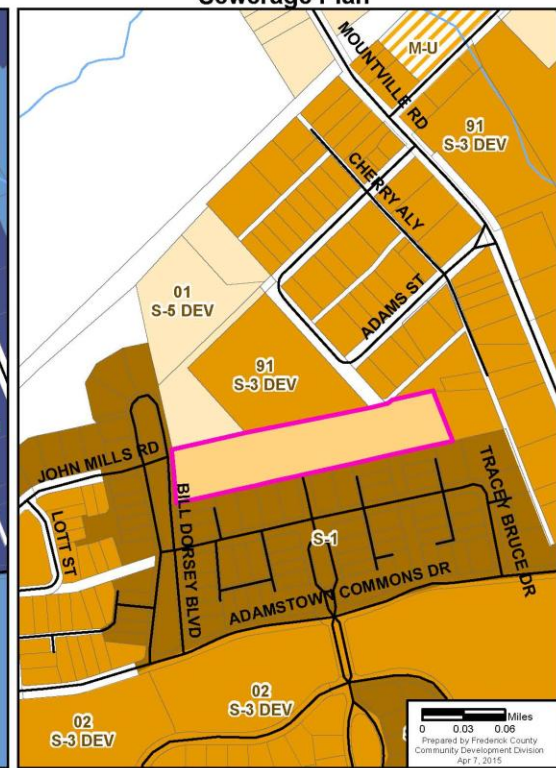
Comprehensive Plan



Water Plan



Sewerage Plan



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2015 Cycle

STAFF REPORT

Case # WS-15-04

APPLICANT: Christopher's Crossing, LLC/Bartgis, Lasick, Rallas

REQUEST: To reclassify 48.8 acres from No Planned Service (NPS) to W-5/Dev., S-5/Dev.

LOCATION: North side of Walter Martz Road at Christopher's Crossing within the City of Frederick.
(Tax Map 57, Parcels 15, 212. Property ID#21-422746, 21-407852)

BACKGROUND:

Comprehensive Plan — The property is designated Medium Density Residential on the City of Frederick Comprehensive Plan.

Zoning — R-8 Residential (City zoning)

Development Status — The property was annexed into the City through Resolution No. 13-35 in October 2013 and subject to a development density cap of 250 dwelling units. A Master Plan for development of 183 townhome lots and 67 single-family lots has recently been submitted to the City for review.

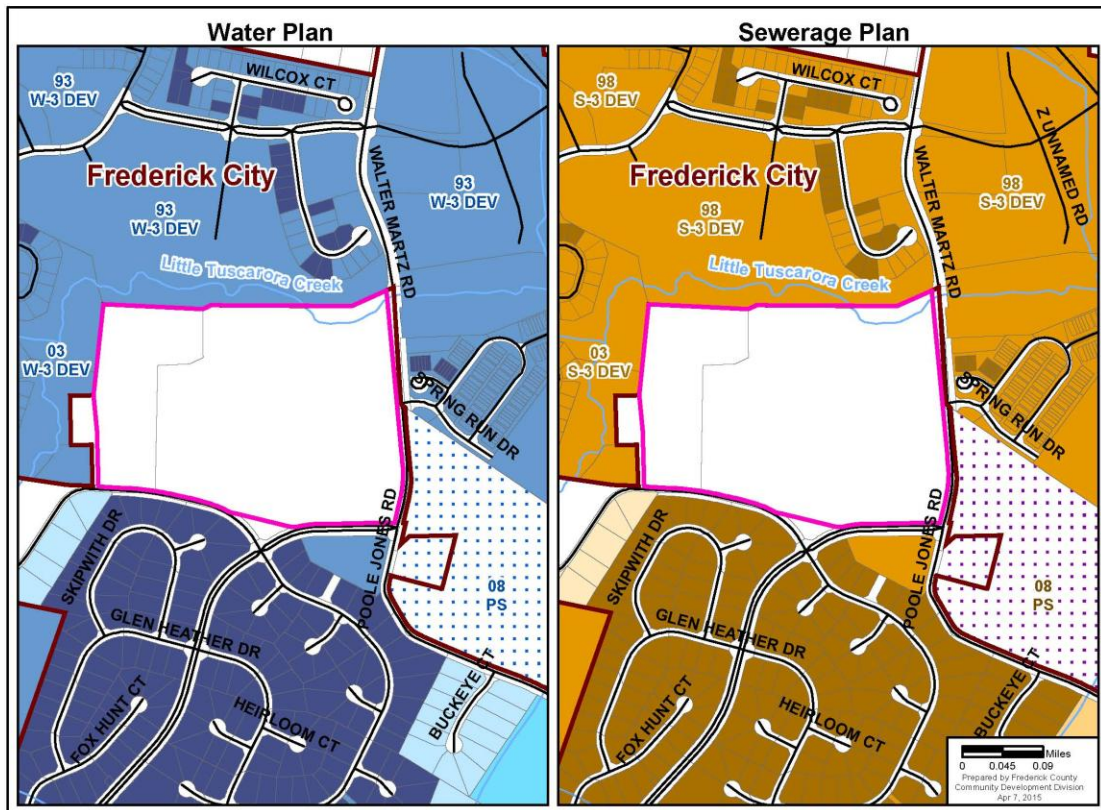
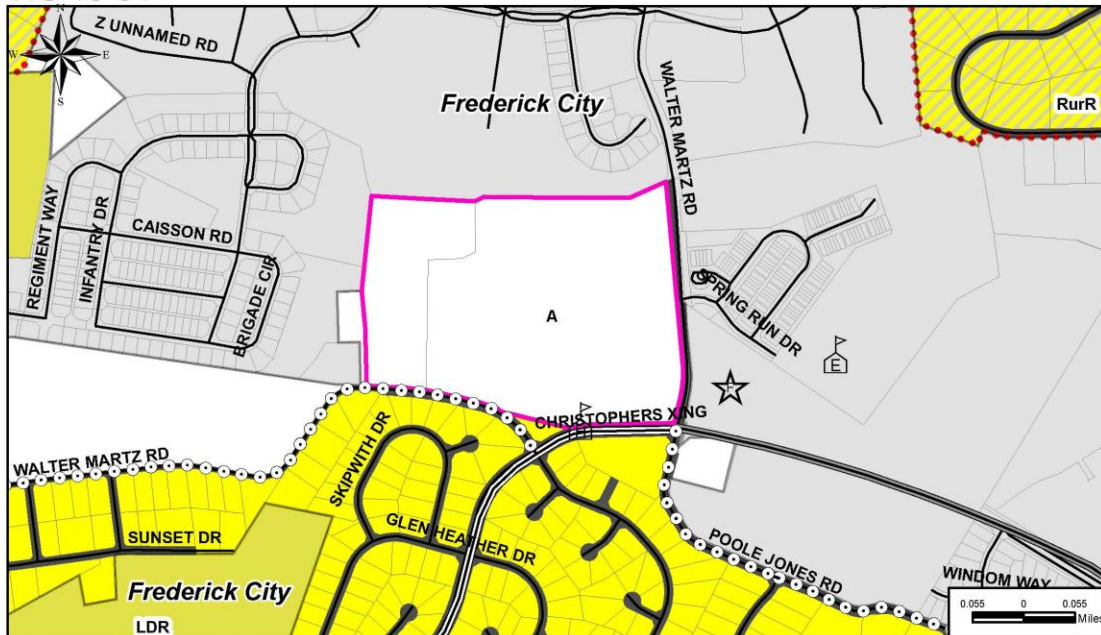
Water & Sewerage Plan Status — An existing 16-inch City water line, present in Walter Martz Road, adjacent to the subject property, will be utilized for the future residential project. Ultimate sewage conveyance will be made through the Tuscarora Interceptor, which is part of the County sewer infrastructure that serves the northern portion of Frederick City, as described in the 2014 Central Frederick Sewer Service Area Agreement (CFSSAA) between the City and County.

STAFF RECOMMENDATION:

The subject property is located within a municipality, a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for Case WS 15-04.

WS 15-04

Comprehensive Plan



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2015 Cycle

STAFF REPORT

Case # WS-15-05

APPLICANT: Division of Community Development on behalf of Robert & Mary Shoemaker

REQUEST: To reclassify 0.91 acres from Planned Service (PS) to S-3/Dev.

LOCATION: South side of Devilbiss Bridge Road, west of MD 194, adjacent to the Town of Walkersville.
(Tax Map 49, Parcels 177. Property ID#26-445183)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential on the County Comprehensive Plan within the Walkersville Community Growth Area.

Zoning — Agricultural

Development Status — The property is developed with a single-family residential dwelling, whose septic system has failed. The Health Department has indicated that a connection to the public sewer system is warranted due to the existence of shallow depth to limestone bedrock, multiple rock outcroppings, and insufficient space for a replacement septic system on the property.

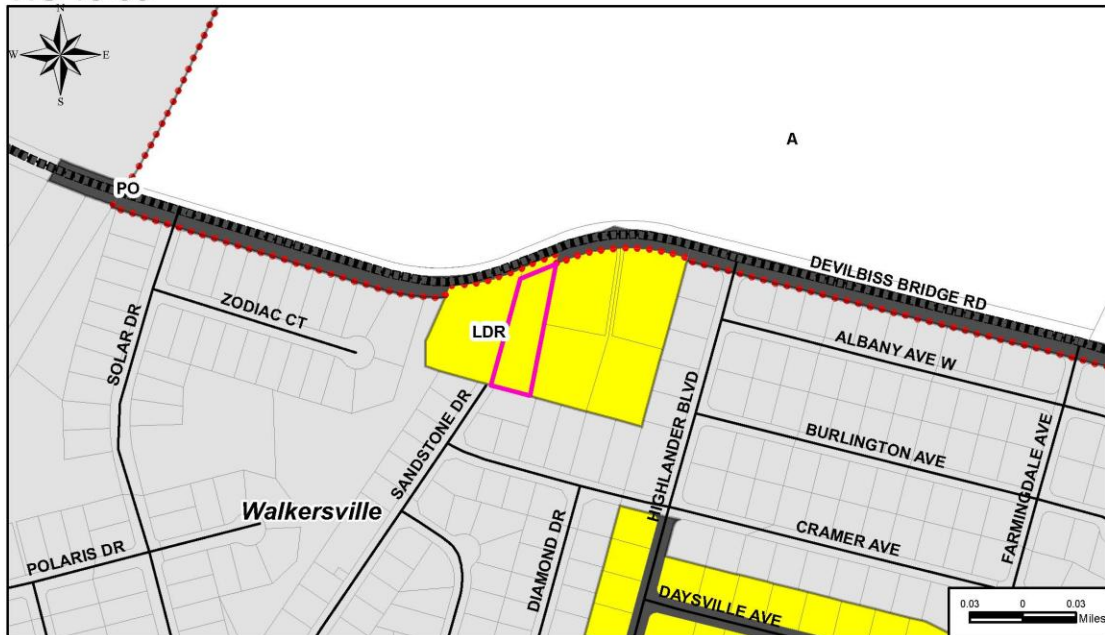
Water & Sewerage Plan Status — An existing 8-inch County sewer service line is present in Sandstone Drive, directly south of the subject property and will be extended to serve the dwelling.

STAFF RECOMMENDATION:

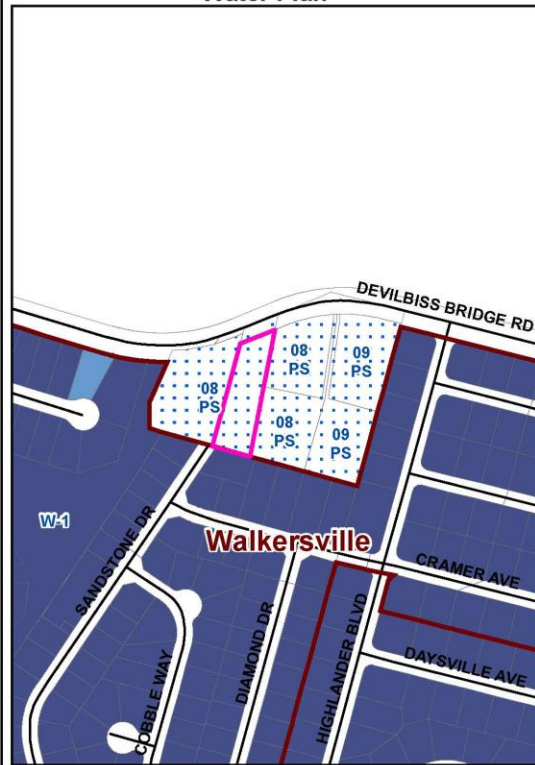
The subject property is located in a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for Case WS 15-04.

WS 15-05

Comprehensive Plan



Water Plan



Sewerage Plan

